IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 865 OF 2006

1. Smt.Sehrunnisha w/o. Ghaibullah,
2. Smt.Kaniz Fatima w/o.Mohammad Anees. ...Applicants

v/s.

The State of Maharashtra & Anr. ...Respondents

Shri Rishi Bhuta for Applicants.
Shri A.A. Siddique for the Complainant.
Ms.Rajeshree M.Gadhavi, APP for the State.

CORAM : V.M. KANADE, J.

DATED : MARCH 2, 2006

P.C. :-

. Heard learned Counsel for the applicants, learned Counsel for the complainant who is permitted to intervene and learned APP for the State.

. Applicant no.1 is the mother-in-law of the complainant and applicant no.2 is the married sister-in-law who is residing at her own matrimonial house. The complainant and the son of applicant no.1 got married on 21st May, 2005. Thereafter, a complaint was lodged by the daugther-in-law of applicant no.1 under Section 498A, 406 and Section 34 of the IPC at the Sakinaka Police Station on 26th January, 2006 in which it was alleged that her husband and her in laws had

demanded dowry from her from time to time and had assaulted her and on one occasion, the applicant had tried to pour hot oil on her face but because she acted promptly, the oil fell on her hand.

2. Learned Counsel for the applicants submits that the husband of the complainant and father-in-law were arrested after the complaint was filed and they have now been released on bail. According to the applicants, the entire articles of the complainant have been returned. According to the complainant's counsel, the jewellery have not been recovered. It is the case of the applicant no.1 that her son has given talaq/divroce to the complainant according to the Muslim Personal Law and thereafter, this complaint has been filed against them.

3. The Sessions Court rejected the anticipatory bail application of the applicants and was interalia observed that the fact regarding the incident of pouring of oil on the complainant had to be investigated. It is an admitted position that no complaint has been filed by the complainant in respect of the said offence. There

is no medical certificate to indicate that she has suffered burn injuries. In my view, the applicants, therefore, are entitled to be released on bail, in the event of their arrest. Applicant no.2 is a married sister who is residing in her own matrimonial house.

4. Under these circumstances, in the event of the arrest vide C.R. No.57/2006 registered by Sakinaka Police Station for the aforesaid offence against the present applicants, the applicants be released on bail in the sum of Rs.5000/- each with one or two sureties in the like amount.

. The application is disposed of.

(V.M. Kanade, J.)